

Amendments to House Bill No. 535
1st Reading Copy

Requested by Representative Virginia Court

For the House Local Government Committee

Prepared by Joe Kolman
March 13, 2013 (2:59pm)

1. Title, page 1, line 11.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "77-1-208"

Insert: "AND 77-6-303"

2. Page 2, line 5.

Strike: "and (4)(c)"

3. Page 2, line 14.

Strike: "and" through "appraisal"

4. Page 2, line 21 through page 3, line 5.

Strike: line 21 in its entirety through "landscaping." on page 3,
line 5

5. Page 3, line 6.

Insert: "**Section 2.** Section 77-6-303, MCA, is amended to read:

"77-6-303. Determination of compensation. (1) (a) In determining the value of the improvements described in 77-6-302, consideration must be given to their original cost, their present condition, their suitability for the uses ordinarily made of the land on which they are located, and to the general state of cultivation of the land, its productive capacity as affected by former use, and its condition with reference to the infestation of noxious weeds. Consideration must be given to all actual improvements and to all known effects that the use and occupancy of the land have had upon its productive capacity and desirability for the new lessee.

~~(2)(b)~~ However, if any of the improvements consist of the original plowing of the land and 1 year's crops have been raised on the land after the plowing, the compensation for the improvement may not exceed \$2.50 per acre, and if two or more crops have been raised on the land after the original plowing, the original plowing may not be considered as an improvement to the land.

(2) In determining the value and disposition of cabin site improvements described in 77-1-208:

(a) the proceeds of any sale of the cabin site improvements must go to the owner of record of the improvements;

(b) (i) except as provided in subsection (2) (b) (ii), ownership of cabin site improvements on state property that is leased pursuant to 77-1-208 must remain with the owner of record until the cabin site improvements are sold;

(ii) if within 6 months of canceling, terminating, or abandoning a cabin site lease the owner of the improvements complies with subsection (2) (d), the department shall issue a 1-year maintenance and marketing land use license. The license may be renewed twice. Within 3 years of the issuance of the first license, the owner of the improvements shall sell the improvements, remove the improvements, or transfer ownership of the improvements to the state. The board shall set the conditions of the sale of transferred improvements in order to sell the improvements in an expedient manner.

(c) (i) except as provided in subsection (2) (c) (ii), ownership of cabin site improvements on state property that is sold pursuant to 77-2-318 must remain with the owner of record until the cabin site improvements or the property and the cabin site improvements are sold to another person;

(ii) if within 6 months of canceling, terminating, or abandoning a cabin site lease the owner of the improvements complies with 77-2-318, the department shall issue a 1-year maintenance and marketing land use license. The license may be renewed twice. Within 3 years of the issuance of the first license, the owner of the improvements shall sell the improvements, remove the improvements, or transfer ownership of the improvements to the state. The board shall set the conditions of the sale of transferred improvements in order to sell the improvements in an expedient manner.

(d) an owner of cabin site improvements on an unleased cabin site lot shall submit to the department a market value appraisal on the improvements from a Montana-licensed and Montana-certified general appraiser. If a current market value appraisal is not submitted by the owner of the cabin site improvements, the owner shall authorize the department to contract for an appraisal, agree to allow access to the improvements, and pay a fee to the department for the cost of the appraisal. The department shall review the appraisal for compliance with the Uniform Standards of Professional Appraisal Practice. An owner of cabin site improvements shall accept the appraised market value or may accept less than the appraised value for the cabin site improvements and may not inhibit the re-leasing or sale of the lot.

(3) For purposes of this section, "cabin site improvements" includes but is not limited to:

- (a) a home or residence that sits on a permanent foundation;
- (b) outbuildings and structures;
- (c) sleeping cabins;
- (d) utilities;
- (e) water systems;
- (f) septic systems;

(g) docks; and
(h) landscaping."

{ Internal References to 77-6-303:

77-1-208x 77-2-206 x 77-2-325 x} "

Renumber: subsequent section

- END -